IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.4816 OF 1998.
Date of Decision: 16.5.2007.

Mrs. Chanchal Surjit Singh Randhawa

....Petitioner.

Versus

The State of Punjab and others.

....Respondents.

CORAM: HON'BLE MR. JUSTICE J.S. KEHAR.
HON'BLE MR. JUSTICE L.N. MITTAL.

Present: Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Hem Raj Mittal, Advocate
for the petitioner.

Mr. B.S. Chahal Asst. A.G. Punjab
for the respondents.

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J.S. KEHAR, J (ORAL)

On the last date of hearing i.e.14.3.2007, this Court passed inter-alia the following order:-

> "The petitioner was promoted from the post of Deputy Director, Sports, to the post of Joint Director, Sports, on 22.11.1996. Subsequently, the order dated 22.11.1996 was modified by another order dated 28.11.1996, wherein the promotion was made conditional and subject to the approval of the Punjab Public Service Commission. Eventually, since the approval of the Punjab Public Service Commission was not received by the Department of Sports, the petitioner, who had earlier been promoted provisionally, was reverted by an order dated 24.3.1998 9 (Annexure P16).
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> While issuing notice of motion for April 03, 1998, this Court stayed the operation of the impugned order of

reversion dated 24.3.1998.

Now, that the pleadings are complete, it is apparent from the circumstances, emerging out of the joint statement filed on behalf of respondents No.1,3, and 4, that the petitioner had to be reverted, merely on account of the fact, that the Punjab Public Service Commission declined to examine the suitability of the claim of the petitioner for promotion from the post of Deputy Director, Sports, to the post of Joint Director, Sports. Prima-facie, it appears to be a circumstance unjustifiably adopted by the Punjab Public Service Commission. In case the Punjab Public Service Commission required some further material from the State Government, it should have sought the same, including the examination of the validity and suitability of the petitioner, at the time of promotion from the post of Assistant Director, Sports, to the post of Deputy Director, Sports.

In the circumstances noticed above, we direct the Punjab Public Service Commission to now examine the suitability of the petitioner for promotion to the post of Director, Sports. It shall be open to the Punjab Public Service Commission, to summon and examine any other material necessary for the purpose. Needful be done within one month from today.

List for further consideration on April 25, 2007."

Learned counsel for the respondents has handed over to us an order dated 24.4.2007 addressed by the Secretary, Punjab Public Service Commission to the Secretary, Punjab Government, Sports and Youth Services Department. The same is taken on record and marked as Annexure-'A'. A perusal of Annexure-'A' reveals that the Punjab Public Service Commission has taken into consideration the record of the

petitioner and approved the name of the petitioner for promotion to the post of Joint Director, Sports.

It would be pertinent to mention that the petitioner had been reverted by an order dated 24.3.1998 (Annexure P-16) solely for the reason, that the Punjab Public Service Commission had not accorded its permission for the promotion of the petitioner. While issuing notice of motion on 3.4.1998, this Court has stayed the operation of the order dated 24.3.1998. Now that, the Punjab Public Service Commission has accorded its approval to the promotion of the petitioner against the post of Joint Director vide Annexure-'A', it is evident, that sole infirmity in promotion of the petitioner as noticed in the order dated 24.3.1998 (Annexure P-16) has been remedied. The impugned order dated 24.3.1998 is, accordingly, set-aside and the instant writ petition stands disposed of. Formal orders of regular promotion shall be issued to the petitioner by the competent authority with effect from the date on which the petitioner was originally promoted as such. The instant petition accordingly stands disposed of.

(J.S. KHEHAR)
JUDGE

MAY 16, 2007.
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(L.N. MITTAL)
JUDGE